IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15792 of 2004

Between:

Nusullapalli Padmavathi W/o. Venkata Ramana
Village, Dornala Mandal, Prakasam District.

..... PETITIONER

AND

1 Joint Collector, Prakasam District (Civil Supplies), Ongole.
2 Revenue Divisional Officer, Markapur Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order more particularly in the nature of writ of mandamus or an appropriate writ or order declaring the proceeding in RCH No.1379/2004 dt.28.7.2004, issued by the 2nd respondent and the consequential order in proceedings in RCS 2/3186/2004, dated 24.8.2004 by dismissing the stay petition filed by the petitioner, as illegal, arbitrary and unconstitutional and pass.

Counsel for the Petitioner: MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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ORDER:

Petitioner is the authorised Fair Price shop dealer of China Gudipadu village, Dornal Mandal, Prakasam District. Her authorisation has been suspended by the second respondent- Revenue Divisional Officer, Markapur, Prakasam District by proceedings dated 28-07-2004 on the ground of alleged irregularities in distribution of essential commodities. Thereafter, a show cause notice has been issued to the petitioner and the petitioner has already submitted her explanation and enquiry is admittedly pending.

Petitioner states that against the order of suspension, dated 28-07-2004 she preferred an appeal before the first respondent-Joint Collector, Prakasam District, Ongole. First respondent-Joint Collector, having entertained the appeal, by order dated
24-08-2004 refused to grant stay of the operation of the order of suspension dated 28-07-2004. Aggrieved by the same, this writ petition is filed.

Learned counsel for the petitioner vehemently contends that all the allegations made against the petitioner are false and baseless and that the second respondent-

Revenue Divisional Officer, ought not to have suspended the authorisation without conducting any enquiry. He also contended that at any rate, since the allegations are trivial in nature the first respondent-Joint Collector, having entertained the appeal ought to have granted stay of the operation of the order of suspension till the disposal of the case.

On the other hand learned Government Pleader for Civil Supplies contends that the order of suspension shows that the authorisation of the petitioner has not been renewed as on today and therefore, the matter does not warrant any interference.

Since admittedly, the statutory appeal is pending before the first respondent-Joint Collector, I am not inclined to express any opinion on merits of the case. It is open to the petitioner to urge all the grounds in the appeal pending before the first respondent-Joint Collector.

In the circumstances, without expressing anyopinion on merits, the writ petition is disposed of with a direction to the first respondent-Joint Collector, to dispose of the appeal pending on his file in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order after affording an opportunity of being heard to the petitioner.

Writ petition is disposed of accordingly. No costs.

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03-09-2004

klp

To

1 Joint Collector, Prakasam District (Civil Supplies), Ongole.
2 Revenue Divisional Officer, Markapur Prakasam District.

3 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT).

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